

Shipping Intelligence.

PORT OF VICTORIA, BRITISH COLUMBIA.

ENTERED
Feb 21—Stmr Enterprise, Dawson, N. W.
Schr Thimble, Thornton, San Juan
CLEARED.
Feb 21—Stmr Enterprise, Swanson, New Westminster

SHIP BUILDING ON PUGET SOUND.—A friend has placed in our hands a San Francisco paper, containing a letter from a gentleman at Port Townsend, Puget Sound, which will be found to endorse our article of yesterday morning in favor of encouraging the construction of ships in the vicinity. After alluding to the fact that two large schooners are in course of construction there for the Asiatic Codfishing trade, the writer says: "The attention of ship-builders is especially called to the extraordinary facilities and inducements held out by our saw millers near this place, who have all and every convenience needed in the construction of vessels of every size. Being well supplied with healthy working oxen, the builders can easily supply themselves with all kinds of long timber in the immediate vicinity of the mills—such as keel pieces, keelsons, masts and spars, ranging from 150 feet in length or less; sided fir for floor and beam timber of 50 feet or under, and every stick or plank of rough dimensions may be had for \$5 per 1,000 feet. Deck, main, and bend plank, dressed of any thickness, from clear fir timber, may be had at the low figure of \$10 per 1,000 feet, while fir bulkhead plank and cedar finishing boards dressed to suit, may be had at the same price. Short pasture oaks abound on the gravelly prairies in our neighborhood, from which stern, stem and rubber posts can be had; also windlass, barrels, stanchions, cat and timber-heads, pawls and wheelless bits, chocks, stern davits, and every article needed in the finish of a vessel, may be had without money and without price, for the mere trouble of cutting and hauling them. Port Townsend has great facilities for building vessels as well as for curing fish, and from recent conversation with a prominent proprietor of that place I learn that the business men at that important port are keenly alive to the profits likely to accrue from a liberal policy in the encouragement of building fishing vessels and carrying on the business at that port. They have a good saw-mill at the head of the bay sufficient for every purpose; and as the Custom-house and Marine Hospital have been recently re-located there, the place is certainly worthy the careful consideration of business men in California. Practical mechanics from Europe, British America and the Eastern States are on hand, ready and willing to labor by the day, month or job, and we have seen contracts taken as cheap on Mr. Williamson's new vessel ordered referred to, and as well performed as ever witnessed by us in Massachusetts or elsewhere. The merchants and solid men of Victoria are up and alive in their own interests, and are very willing to take a hand in the ship building line and cod fisheries. Having constantly on hand vast supplies of ship chandlery, and as we are in daily communication with that port, we receive constant supplies of iron spikes, composition spikes, nails and brass work, copper bolts of any size, together with chains, anchors, hemp, cables, running and stowing rigging, and every material in the ship of Scotch or English canvas, blocks, deadeyes, hoops, hanks, etc. Vessels from the Sound are towed over to Victoria, the expense of which is more than paid by freight on lumber or produce, and the saving in duties on the material for a vessel's rigging amounts to the sum of \$5 per ton, and it may be stated here that several sail and rigging lofts are in full blast there, ready to execute orders at the shortest notice."

GEN. PICKETT.—We observe the following in a late number of the New York Tribune: "The President yesterday sent a message to the House in reply to a resolution asking for information concerning the pardon of the Rebel General J. E. Pickett, who sanctioned the hanging of a number of Union men of North Carolina. General Grant recommended the arrest of Pickett, but the Secretary of War, in a letter to the President, deemed it preferable to wait for a decision of the Supreme Court. General Pickett admits the main charges, but sets forth that the men hung were deserters from the Southern army, and hung as such. General Grant recommends Pickett to the clemency of the President, but we doubt whether the public verdict upon these murders will agree with the official exculpation." General Pickett is the officer who invaded San Juan Island in 1859.

GOLD AND SILVER EXCITEMENT AT COWICHAN.—On Monday last an Indian brought into Harris' store, at Cowichan, a small piece of quartz rock containing about \$150 of gold, which specimen he declared he had picked from a number of other pieces that he had found in the hills, a few miles back of the settlement. The intelligence created an excitement throughout the settlement, and a party was at once formed to proceed to the spot indicated by the native and test the value of the discovery. The party had not returned when the Douglas touched at Cowichan. Mr. Davis, a settler from the same district, arrived in town last evening with some fine specimens of silver-bearing quartz, of which he says he has discovered a lead near the settlement. The object of his visit to town is to pre-empt the lead.

A ROW AT SOOKE.—J. Thomason, of Sooke, appeared in the Police Court, yesterday morning, to answer a charge of having threatened to cut a man named Fitzpatrick down with an axe. Mr. Courtney appeared to prosecute. Several witnesses were produced, who attempted to show that a Mr. White, who died recently at the hospital, had previously given Fitzpatrick a power to sell certain property, held jointly by Thomason and Fitzpatrick. The threats were not proved, and the magistrate dismissed the case, and recommended the parties to settle the difficulty out of Court.

THE ELIZA ANDERSON SAILER.—The Eliza Anderson sailed for the Sound yesterday morning.

AMATEUR DRAMATIC CLUB.—The benefit to night promises to be a great success. Buckstone's farce of the "Irish Lion," never fails to delight the audience; and it is fully expected that the Barleque, plentifully interspersed as it is with local hits, will afford infinite amusement. The Chinese Troop will present a Grand Ballet Divertissement. The services of these renowned artists, we hear, have been secured at no enormous expense to the Amateurs. Such a Bill cannot fail to secure a full house, and we advise our readers to secure their seats early as the box office will close at 3 p. m.

ISLAND HAMS AND BACON.—Mr. Bailey, a Comox settler, arrived on the Sir James Douglas last evening with about half a ton of excellent hams and bacon. Mr. Bailey started to bring down his produce in a canoe from the settlement, but was overtaken by H. M. Sparrowhawk, also on the way down from Comox, when Capt. Porcher kindly tendered him a passage to Nanaimo, which offer Mr. Bailey kindly accepted and with his bacon and hams reached Nanaimo in time to connect with the Sir James Douglas for this place.

FROM THE EAST COAST.—The steamer Sir James Douglas arrived from the east coast last evening. Capt. Clarke reports that the snow was twelve inches deep at Nanaimo yesterday morning, and was falling when he left. At Cowichan the snow was also deep and weather very cold. The steamer performed more than half the trip through a blinding snow-storm that completely hid the land-marks from observation. The Sparrowhawk arrived on Wednesday from Comox. Ship Amethyst was loading at the mine.

OYSTER CULTURE.—In some parts of Cornwall oysters breed on one side of a river or cove, so copiously that they are poisonous, while those bred on the other side of the same river are wholesome and of delicious flavor. The oysters bred on the covey beds are transferred to the south of England oyster parks, where they are kept and fattened, and after a while the copious impregnations vanish, and these oysters are sought after by epicures.

SERIOUS ACCIDENT.—A young Englishman, named Spiller, was thrown from a horse on Waddington Alley last evening, and so seriously injured about the head that he remained in a case of unconsciousness for several hours. He is attached to H. M. Surveying steamer Beaver, in the capacity of Capt. Pender's servant. A trap was sent up for him by the captain last evening, and he was taken aboard the ship. His injuries are of a grave nature.

THE PRINCE CONSTANTINE.—This Russian trading steamer is now ready for sea, and will probably sail for Sitka to-day. She has on board a miscellaneous cargo. Her cabin fittings and other appointments have been completed in a very superior manner, and the work has been done at a far less cost than would have been the case had the ship been sent to San Francisco to refit.

TRADES LICENSE ASSESSMENT ROLL.—The Treasurer gives notice that the roll of the Trades License Assessment has finally passed the Court of Revision, and that the sums now due thereon are payable into the Treasury. This is riding the "willing horse to death" with a vengeance. Taxes must be collected and Government must be supported, if the people have to be fleeced to do it.

LAST CHANCE.—The entire stock of Brann's fine clothing, hats, caps and gentlemen's furnishing goods, must be sold within two weeks. In order to give the citizens a chance to purchase, sovereigns will be accepted at \$5 and greenbacks at San Francisco current rates. Yates Street, opposite the Bank of British North America.

AN INDIAN FIGHT.—The Hyah Indians were having a jollification on Tuesday night, when one of the number assaulted and beat three others with a club, lacerating their heads and bodies to a pitiful degree. He was arrested, tried before the Magistrate, and placed out of harm's way for a few months.

THE PREMIER hauled away from Nathan's wharf yesterday, preparatory to sailing for Callao, Peru. She has some 10,000 feet of lumber for Mr. J. Robertson Stewart aboard, and will doubtless make a quick run.

THE "MORNING NEWS."—This new paper appeared yesterday. It presents a good typographical appearance, and is published by McMillan & Co. In politics it will be independent.

A WINDFALL.—It is said that Taylor, who was on Wednesday acquitted of the murder of the Siwash, has fallen heir, since his commitment to prison, to a large fortune in England.

The Assizes.

(Before Chief Justice NEWMAN.)

THURSDAY, Feb. 21.

LARCENY.

George Phillips was arraigned for larceny at Shawigan. The Solicitor General stated the case and called the following evidence: James Dawson, sworn—Resides at Shawigan; is a whaler by profession; has a station for business, where he sleeps himself; there is another house where the Kanakas sleep; about the end of October my nephew Donaldson, a white man that came with the prisoner, and myself, were in my place of residence; the house where the Kanakas lived was about one hundred yards distant; the prisoner came to my house on the day previous to the robbery, near evening; had seen prisoner before; knew him by the name of Jim; prisoner came with my house on foot; there was another man with him, but he did not come in until afterwards; he said he came to look after a man who had hired at my place; he said he had a boat at the spit containing two kinds of liquor; told him that I did not want persons about the place with liquor, and requested him to leave it in my charge, which he did; after supper prisoner went to sleep with some Kanakas; another man came to supper with prisoner, who remained in the house; went to bed at the usual time; before going to bed went to the house where the Kanakas slept, as I heard singing; prisoner had a bottle, out of which he gave liquor to the Kanakas; the doors and windows on my house are not fastened except by a catch; some time before day one of the Kanakas told me that my boat was stolen; got a candle, looked round and found a number of articles missing—four iron, fish, meat, etc., also all the articles necessary to equip the boat and some cooking utensils;

found one of the houses where no one was living had been broken open and certain articles removed, which I afterwards found in possession of the prisoner; manned a boat with two Kanakas, my nephew Donaldson, the strange man that came with prisoner, and myself; the Kanakas were Joe and Sam; put to sea, and after some pursuit captured prisoner with the boat and all it contained in a boat at Salt Spring Island, about ten miles from my place; the prisoner and the Kanaka had just landed; two kgs of liquor belonging to prisoner were in the boat which he had stolen; I took prisoner into custody.

Cross-examined by Mr. Ring—Drank some of the liquor that prisoner was giving to the Kanakas at the sleeping place; did not like it; my nephew Donaldson helped me in my business; he never took my boat without permission; he might have taken a boat; he was interested in the fishing business; prisoner was in my employment the fall before.

Much amusement was created by the learned counsel for the defence calling prisoner Dawson, the name of the prosecutor.

James Dawson, continued—Prisoner left his boat on the beach at my place; the place of landing is about 80 or 100 feet from the door of my house; Phillips did not insist on an inquest should be held on the body of the Kanaka killed by Donaldson; the Kanaka's name was Jim Holland; did not hear a visit to squaws at Salt Spring Island proposed the night before the robbery was committed; prisoner would not help with the boat, but helped me to carry the body of Jim Holland to the boat; I wanted my nephew to come along with me and give himself up, he went away with the boat with the liquor; have not heard of him since; know the value of the liquor; the boat stolen by prisoner is worth \$150; and his equipment \$75 or \$80; the other goods \$25.

Joe, a Kanaka, was next examined through Mr. G. Brown acting as interpreter—Witness testified to prisoner treating the other Kanakas and corroborated Dawson's evidence as to the capture of the prisoner, boat and goods, and that prisoner was very abusive to Dawson.

Some conversation touching points of law then ensued and the prosecution was closed. Mr. Ring then addressed the jury for the defence, and disclaimed upon the possibility of complicity of Donaldson and the Kanaka in the removal of the stolen property, after which the jury retired and after about twenty minutes consultation returned a verdict in accordance with the indictment; the prisoner was then sentenced by His Lordship to three years penal servitude.

He thanked His Lordship.

POISONING.

Mary Ann McFadden and Mary Ann Sampson were charged, the first as principal and the second as accessory, with administering poison with intent to murder.

The Solicitor General stated the case for the Crown, and called James McFadden, the father of the first-named prisoner, who deposed that he had a small farm on Salt Spring Island; worked by the month with a Mr. Brinn, on the same island; prosecutor's daughter and Mary Ann Sampson also lived at Brinn's; the prisoner McFadden was prosecutor's daughter by a full-blooded Fraser River Indian woman; she was 13 years old last September. On the 12th Oct. last, witness had been out hunting coyote cattle, on return got breakfast at a neighbor's house; afterwards went to Brinn's house, where he found his prisoner; prisoner Sampson is the wife of the constable on Salt Spring Island; prosecutor's daughter and Mr. Sampson are cousins; there was no one else at the house; it was about 9 o'clock McFadden told me that breakfast was ready; told Sampson that he had had breakfast at her father's house; saw a cup of coffee on the table; there was no milk or sugar in it; drank it and went out to dig potatoes, when I was seized with awful pain in the stomach, and fell on my knees and began to vomit; was trembling and shaking in every joint; made for the house, but fell again on my knees and was again seized with vomiting; the vomit was partly green and partly yellow; felt very weak, with sharp cutting pains in the chest; rinsed my mouth with a little water and then went into Brinn's house; found both prisoners there; told McFadden that I was sick, and thought it was the bread; neither of the prisoners said anything; McFadden turned her back; on the 17th, I threatened to whip McFadden if she did not tell me she got the poison; Mrs. Brinn said McFadden had told her she (McFadden) had given it to prosecutor; did not know there was such a thing in the house; threatened McFadden again, but to no purpose. (Here the learned counsel for the defence cited Roscoe, page 39, in support of his opinion, that confessions obtained by threats or menaces were not admissible in evidence. After some discussion, His Lordship decided the point in favor of the learned counsel for the defence, and the examination continued.)

Mr. Brinn said, in the presence of the prisoner McFadden, that prisoner and I told her that she had put poison in the coffee; the prisoner further stated that she (McFadden) would not have put it in but for Sampson, who told her if prosecutor was dead she (McFadden) might then do as she pleased, and she (Sampson) was going to do the same to her father; that when McFadden had poisoned the prosecutor, that she (Sampson) would take McFadden to Victoria and buy dresses for her; and then they would go together to Fraser River. After that Mr. Sampson examined for the defence—She was afraid and scared at the time I spoke to her; I did not whip her; she was not influenced by my natural authority over her as her father; I did not look frowningly upon her; I did not tell her I blamed her; I gave her no understanding she did quite wrong, and what would become of her if I had gone; she cried and said she was very sorry; I did allude to the result, if the matter was brought before a court of justice; it was after the threat to whip that she made the statement as given to the Crown counsel.

The counsel for the defence here referred to His Lordship to Best's Treatise on Presumptive Evidence, page 238, to prove the inadmissibility of the threat to whip the prisoner by witness.

At this stage of the proceedings, 3 p. m., His Lordship asked if the prisoner Charley was present for sentence. A reply having been given in the affirmative, the prisoner convicted was asked if he had anything to say why sentence should not be passed upon him. The prisoner said it was not true that he did anything to the person in question. His Lordship put on the black cap, and said he had no discretion in the matter; the jury had found him guilty of the murder of Charley; another look at the evidence could be no doubt as to the correctness of the verdict. Rev. Mr. Garrett translated the sentence and His Lordship's remarks to the prisoner. Prisoner said the verdict of the jury was unsound, the witness did not speak the truth. The usual sentence of death was then pronounced, and as the jury recommended mercy it would be sent to the proper quarter. The Court had no discretion in the matter. The prisoner was removed.

POISON CASE RESUMED.

His Lordship said that upon the whole the former evidence could not be admitted. Cross-examination continued—The child was brought up in the prisoner's house; was superstitious the bringing up; I had no time; I was absent from her a long time, close on five years; I was living during the poison case at Salt Spring; I was living there six months; to Mr. Brinn's wife I had surrendered her; (why Mrs. Brinn was not present in court was not allowed by His Lordship). It was about nine in the morning when I had breakfast; it was on the heart and liver of

a deer and a part of rabbit; I had a basin-oup of wine; [Laughter in court] it was berry wine not mixed with anything; there was bread and potatoes, etc., too; shortly after I had a fair cup of coffee at Mr. Brinn's; the night before the breakfast I had no spirituous liquor of any sort; the breakfast was no goodness; about two minutes and a half after drinking the coffee it disagreed with me; the cup and dregs of the coffee remained in the house; [The Judge said if Mr. Ring did not control himself he would have to do so, because he put the same questions three or four times. Counsel said he did not require to be controlled, he would show presently why he acted thus.] I am not bilious; I believe it was in Griffith's house I heard the term a rhyline first used; I did leave her under Mrs. Brinn's control two years before; there was no milk or sugar in the coffee; I thought it was best [His Lordship said the length at which the case was drawn out compelled him to order the attendance of jurors waiting, for another day. They were thereupon discharged until to-morrow.] I was very weak during and after the vomiting.

Rich. Brinn, called for the prosecution—I live at Salt Spring; am husband to Sarah Brinn; she is not able to be present; she was taken ill two days before I came down; I keep a farm on Salt Spring Island, and the father of the prisoner worked with me last October; I had no conversation with the girl about the poison case; the magistrate sent me down; to him I gave evidence.

His Lordship—The evidence required remains above, while the evidence which is of no account is sent down here.

Henry Sampson, sworn—Am constable on Salt Spring Island; last October my attention was called to a matter which occurred in McFadden's family; I was not present at the examination of the prisoner's case; from information received, a bottle of strychnine was handed to me by Mrs. Brinn, taken from the top of a book shelf, out of a small box; recognize a box and bottle shown; I took the bottle home; gave it to Mr. Brinn afterwards.

R. Brinn, recalled—I purchased the bottle and its contents several months before at Nanaimo; it contained strychnine when I bought it; I kept it in the most secluded place in my house.

Cross-examined—I bought it for the destruction of blue jays, crows, &c.; I did not see it have effect on any of them; did not tell my wife or warn her about it; I think the bottle produced it.

By the prosecution—I received it from Mr. Sampson a few weeks after the poison was said to be administered; I did not bring it to Victoria.

By a Juror—The bottle was full when I bought it.

Examination of Sampson resumed—I was present when the prisoner was examined; I know that Mrs. Griffith is at present here. Ellen Griffith, examined—I reside at Salt Spring Island; my husband is a settler there; recollect the poisoning case in October last; was acquainted with the prisoner; had no conversation with the prisoner, nor was I present at the time.

Dr. Davie, examined—I have examined the contents of the bottle; it is strychnine, have been present during this trial; I heard of the symptoms of McFadden; they are those of the derangement produced from the breakfast partaken of; the unbroken bread and the berry wine (laughter).

Cross-examined—Strychnine when diluted is colorless; the vomiting I attribute to an overloaded stomach, and nature had to find vent; the symptoms could not have been the result of strychnine; had the patient taken the balance of what remained in the bottle, half a drachm say, convulsive spasms would have come on and the patient could not have lived; the case would be all but hopeless.

To the Court—A small quantity, say the 25th part of a grain, would have affected or assisted digestion; the symptoms were a sufficient proof that strychnine had not been administered; the breakfast would account for McFadden's symptoms (laughter). The cure, if any, is the stomach pump for strychnine; chloroform has a good name—it relaxes the muscles.

The Court—I have come to the conclusion, Mr. Solicitor, to discharge the whole case.

To the Jury—The question is whether there is anything to deliberate upon. The statement made by the child is not of that voluntary sort which the law allows. His Lordship remarked on the evidence of McFadden and Dr. Davie, and concluded by stating it was a most ludicrous case.

The jury, without leaving the box, rendered a verdict of "not guilty."

THE CHARGE OF BEING ACCESSORY to the case was then taken up and examined before the same jury, which preferred to sit in lieu of appearing on the following day. The prisoner, Mary Ann Sampson, was placed in the dock. She is a half-breed girl of about sixteen.

The Solicitor General stated to the jury to the effect that it was not his fault that the case just tried broke down, and addressed the jury on the charge against Mary Ann Sampson. Nothing would give him more satisfaction than if it were found the little girl was innocent of the charge.

Mary Ann McFadden was called for the prosecution (prisoner in last case a little girl, about 13 years of age). Had some talk with Mrs. Sampson, who said I was to give my father some strychnine, and said when father died I could go away where I wanted to; Victoria and Fraser River—she would take me; she would also buy her some clothes; I put some strychnine in my father's coffee; I got it in a small bottle on top of a desk at Mr. Brinn's house; the bottle produced is like the one, and so is the stuff like that I put in the coffee; my mother told me where to look for it; I put it in the coffee in the morning, poured it into a cup, and when father came, she told him breakfast was ready; my father said he had had his breakfast, but was thirsty, and drank the coffee I poured into the cup; Mrs. Sampson was with me at the time; I put in about half a thimble full out of the bottle; I don't know what happened to father, he went out and came back saying he was sick; he was sick; I did not know what strychnine was; my cousin told me it would kill my father.

Cross-examined—The first time I charged Mary Ann with the crime was at Mr. Franklyn's, Nanaimo; when I said this, I thought I'd get free myself.

Re-examined—Mr. Sampson told of it first; I did not tell anybody what I had done; I did tell my father again; I told Mr. Brinn before I told him.

Mr. Ring strongly objected.

To the Jury—I threw the rest of the coffee out; my father left some dregs in the cup.

Jas. McFadden, witness examined in last case, was called for the prosecution—On the 12th October, I breakfasted at Hudson's house; afterwards went to Brinn's and found breakfast there prepared; was asked to take breakfast by my daughter; took only a cup of coffee; went out to get some potatoes, when I was taken with violent pains in my stomach and vomiting; I returned and blamed them on account of the bread being bad; the girls, who were there, turned their backs and refused to look at me.

His Lordship made a brief and impartial charge.

The case occupied the jury, retiring at ten minutes to six and returned in a little over half-an-hour, with a verdict of guilty, with a strong recommendation to mercy, on account of youth and not knowing the nature of the article she was dealing with.

The prisoner in reply to the Court had nothing to say why sentence should not be pronounced upon her.

His Lordship said—A more horrible crime could scarcely be conceived. You induced your own evil influence into that of a child to poison her own father; it is difficult to see the grounds of the recommendation to mercy, except in that of youth. It is necessary, for the sake of society that you be punished; and but for the recommendation the sentence would be no more severe. The sentence is that you be kept in prison with hard labor for two years. The custody of the child McFadden was given by the Court to her father, she having received the admonition of His Lordship to ever look on this as a lesson through life. The father, who was willing to concede forgiveness, then took her away.

CUTTING AND WOUNDING.

The man King, charged with cutting and wounding, was called, but, failing to appear, his bail was ordered to be created.

This completed the business, and His Lordship thanked the jury and all connected with the Assizes for their attendance.

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